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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,095	08/09/2001	Yukinori Matsumoto	P 024 9546	3672

7590

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EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n N .

09/913,095

Applicant(s)

MATSUMOTO ET AL.

Examiner

Albert W Paladini

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/9/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-53 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements and structural cooperative relationships of elements, such omission amounting to a gap between the necessary elements and structural connections. See MPEP § 2172.01.

**Claim 1**

Lines 10-11 recite, "said recording medium can be read by said three-dimensional apparatus." The recording medium is an element of the three-dimensional apparatus. Thus any information on the recording medium is already contained in the three-dimensional apparatus, so that it makes no sense for the three dimensional-apparatus to read the recording medium. In addition, the claim does not recite a specific element of the three-dimensional apparatus to read the recording medium, if that were feasible.

**Claim 9**

Lines 7-8 recite, "a communication section which can communicate with said three dimensional modeling apparatus." The communication section is an element of the three-dimensional apparatus, so that it is already communicating with other

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elements of the three-dimensional apparatus. In addition, the claim does not recite an element of the three-dimensional apparatus, which communicates with the communication section, if that were feasible.

#### **Claim 14**

Lines 7-8 recite "a contacting means input section for inputting information contacting means for said customer." The claim does not recite an element that receives the information that is inputted.

#### **Claim 32**

No element or elements are recited to store part data, to select part data, and to input it into the model.

#### **Claim 35**

There is no element or elements connected to the "identification number input section." An "identification number input section" would not have the capability of displaying three-dimensional data. The claim does not recite what it means to judge an identification number, or how an identification number is judged.

#### **Claim 43**

Lines 5-6 recite "a database section for registering the three-dimensional shape data." The process of registering according to WEBSTER'S II NEW RIVERSIDE

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UNIVERSITY DICTIONARY consists of recording items, names, or actions. There is no element or elements, which perform the function of "three-dimensional modeling" which is recited in the preamble to the claim.

Appropriate correction and clarification is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell (6,313,836).

This rejection is made to the extent that the claims are understood, by considering the recited limitations in a context where they interact in a complete and self-consistent manner.

In figure 3, Russell discloses an apparatus for creating a three-dimensional model including input sections 23, 30, forming section 21, and recording mediums 25b, 31. Russell states on lines 13 to 19 in column 3 "A further object of the present invention is to allow a specific view representation (including, specific view orientation, display attribute (e.g., color), geometric transformation (e.g., rotation), and display form (e.g., wireframe)) of a 3-D model annotated with 3-D pointers to be preserved such that viewers of the model can communicate with each other with respect to the model in a consistent environment" and on lines 10-16 in column 7 "As can be seen from FIGS. 4A-7, control frame 50 also includes a file name area 71. File name area 71 displays the file name of 3-D model 40. The file name is used to identify the file of 3-D model 40. When the viewer wants to view a different model under a different file name, he or she can go to the "File" label of panel 70 to select and open the file in that file name." Thus, Russell's apparatus provides the capability of reading by a "third-party."

***Relevant Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pomerantz (4961154) discloses a three-dimensional modeling apparatus, which includes a 3D digitizer, a workstation and processing center, 3D, CAD database, and a 3D model generator.

Roberts (5237647) discloses a computer system for aiding in the design of an object where the computer provides a menu and palette system to allows the designer to control the creation of a three dimensional model, and to communicate with the three dimensional information.

Harada (5727138) discloses a method of creating a three dimensional model, which includes data tables which contain attributes of the objects of the elements of the model, where storage tables contain the expected frequencies of events as well as specific physical attributes, thus allowing for a more realistic three dimensional model.

Arsenault (5894310) discloses a graphics system for generating a three-dimensional model, where the shape information includes intelligence factors in addition to size, shape, and positional attributes. Thus, various configurations of the essential elements may contain alternate representations of some of the elements.

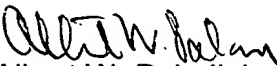
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6. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (572) 272-3748. The examiner can normally be reached from 7:00 to 3:30 PM on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (572) 272-3749. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

January 3, 2005

  
Albert W. Paladini  
Primary Examiner  
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